

*Arizona Supreme Court
Judicial Ethics Advisory Committee*

ADVISORY OPINION 91-02
(April 29, 1991)

**Use of Title on Stationery and Role in
Fund Raising for Bar Associations**

Issues

1. May a judge, sitting as the president of a voluntary bar association, allow the judge's name to be used in letters, pamphlets, etc., urging membership in the organization? May the judge sign such a letter?

Answer: Yes.

2. May a judge, sitting as the president of a voluntary bar association, encourage participation in bar activities which will require the expenditure of funds by the participants, some portion of said funds to be used by the bar association to support the organization?

Answer: Yes.

Discussion

Canon 4C permits a judge to serve as president of a bar association. The canon states:

[The judge] may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. He may assist such an organization in raising funds and may participate in their management and investment, but should not personally participate in public fund raising activities. He may make recommendations to public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.

A bar association is clearly an organization devoted to the improvement of the law and the legal system and, therefore, participation in bar activities is within the purview of Canon 4C. A judge may serve as president of a bar association and as such would naturally sign association correspondence. Urging attorneys to join the bar association is an activity which would, by increasing the membership, advance the improvement of the law and the legal system. The committee believes the same rationale supports permitting a judge, as bar president, to urge the members to join in bar activities.

The Canon permits a judge to assist an organization in raising funds, which has a greater potential for pressure and an appearance of judicial coercion than urging lawyers to join a bar association and participate in its activities. The sole limit on fund raising is that a judge may

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not participate in public fund raising activities. In the questions submitted, the judge will not be engaged in any public activities. The correspondence with lawyers will be private.

The sole caveat is that the judge should be identified in all correspondence as the bar association president, not as a judge.

Applicable Code Sections

Arizona Code of Judicial Conduct, Canon 4C (1985).